

The Battle of Blue Earth County

Paul W. Ylvisaker

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The Battle of Blue Earth County

Paul N. Ylvisaker

Printed and Distributed for the ICP by

Polygraphic Company of America, Inc.
310 East 45th Street
New York 17, New York

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The Battle of Blue Earth County

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THE BATTLE OF BLUE EARTH COUNTY

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PREFACE

This is a story of intergovernmental conflict and eventual peace, centering around an incident which gained no more than passing attention in the press at the time it occurred. It is the story of a dispute over the hiring of an executive secretary by a local welfare board—a dispute which was to climax and then conclude a seven years' war between officials of a Midwestern county and the state and Federal administrators with whom they had to deal. Though obscure in itself, the incident deserves telling as an example of the stresses which built up within the Federal system during the decade of the New Deal and threatened at many points to disrupt the administrative process. In this case, all the elements familiar to the intergovernmental struggle were present: "perverse localism," "aggressive centralism," and the abiding sense of compromise which serves in this country to hold local, state, and Federal governments together in a workable system of administration. It was in such a spirit of compromise that the battle of Blue Earth County was finally and successfully resolved; when it was over in 1945, all three contestants could reflect upon their respective campaigns with pride and satisfaction. For the leading board members of Blue Earth County, Minnesota, it had been a gallant struggle to preserve the birthright of local self-government against attack by insidious forces of centralization. For state and Federal administrators, the controversy had been another troublesome but rewarding episode in a joint campaign to achieve acceptance of the social security program and improvement in the methods of its administration.

The story is told from the standpoint of the local officials, with only occasional light cast on the problems of the state officials, and little more than a passing glance at the Federal officers. The policy of the Federal government—Congressional and administrative—in social security is to move toward an equalization of

standards of benefits and toward a "satisfactory" level of professional competence among state and local administrative officials. With these goals in mind, Federal officials look with jaundiced eyes on local opposition to what seem—from Washington—minimal standards at best. Similarly, the state officials find themselves striving for objectives that are rather different from the ends of both the Federal and the local administrators. The differences are inherent in the different situations, which engender and in turn are affected by different attitudes. The reader will therefore bear in mind that he is looking at a series of events from only one of three significant perspectives. This limitation in perspective is deliberate: it should not be misleading if it is not overlooked.

One other aspect of the case also needs to be noted and taken into account. The study was written some five years after the incident was closed. Human memories are creative. The person who recites his recollections to an interviewer inevitably tends to order the past, and usually to order it in a way that reveals himself in a favorable light. Actions that were based on accidental pique or personal dislike, for example, are explained in terms of political theory and philosophy. Hesitations disappear, and hindsight becomes foresight. No man is immune from tendencies of this sort in his reminiscent processes; and if the reader detects this kind of *ex post facto* rationalization in the following account, as he undoubtedly will, he should realize that he is observing a pervasive and ineradicable human tendency.

The roots of the controversy lay deep in the history and make-up of Blue Earth County. Carved out of what was still Federal territory a hundred years ago, the county took form in the profitable interplay of two dominant factors: its rich agricultural land, which the late Harold Smith described wistfully as "God's greenest acres," and its immigrant settlers (Scotch-Irish and English from the East; Ger-

mans, Norwegians, and Swedes of the Old Immigration) who for three generations carefully cultivated the soil and constructed a prosperous and stable economy. During these years, the county remained as much insulated from the wear and tear of America's industrial and urban trends as any community could under modern conditions of interdependence. If its citizens pioneered in the adoption of new methods of agriculture and industrial science, they did so in the same tradition of progressive and energetic individualism that brought them originally to settle the West and assured them their continued prosperity. But they did not often see the less fortunate or more difficult consequences of the trends they helped to promote. By 1933 their striving city of Mankato claimed half the county's total population of 35,000 and could rightly boast of being southern Minnesota's key retail, transportation, and educational center; but it showed none of the blight which characterized urban centers to the east. And throughout the county, the more or less idyllic picture held true; a mixture of nationalities, but no critical minority problem; clubs, farm bureaus, and cliques, but no rigid class stratification; low wages and some unemployment, but few cases of abject poverty; men of influence and wealth, but no entrenched bosses or organized machines.

Jefferson would have been at ease in Blue Earth County, Minnesota, except, perhaps, that the community was preponderantly Republican—from Lincoln through Hoover, GOP presidential candidates had been able to count solidly on the county's support. True, there was an exception in 1912, when the local vote was split between regular Republicans and Progressives, and the Democrats emerged with a minority coup. This exception is worth noting, for it served to point out a progressive, sometimes radical fire which still smoldered under the surface rock of conservative opinion. In part, this was a heritage brought over by the German immigrants of 1848 and left untended during subsequent years of prosperity; for the rest, it was the native fire of the Midwestern farmer. Whatever its source, it was there to be rekindled during the years of the Populists and again during the postwar periods of agricultural depression. Conservative and

Republican in prosperity, Blue Earth County went Democratic in the bleak year of 1932.

The county voted for Roosevelt again in 1936, but for the last time. In 1940 the conservative half of the county's split personality was to reassert itself. During the intervening years, the community had been a reluctant dragon; apparently ill-at-ease and conscience-stricken in the ranks of the Democratic party, local voters remained there presumably because of economic advantage, and at no election could they bring themselves to support the degree of socialism advocated by the incumbent Farmer-Labor governor. With Willkie in 1940, they had hopes of being prosperous and Republican at the same time, and returned to the GOP fold.

In this volatile combination of traits lies at least one clue to the apparent paradox in community attitudes during the years of struggle. In fighting state and Federal administrators, one might suggest that Blue Earth County was externalizing an inner conflict in which opposing sides could not be easily distinguished. On this larger stage, confusion and self-contradiction seemed to disappear, and the battle seemed to be identifiable as one of local versus central interests. Actually, it was not that. The community, it is true, continued to support emotionally and by vote the members of the board most active in the fight against state and Federal supervision—men who in a sense epitomized the community's conservatism and echoed its Republican conscience. But the community also showed that it was divided against itself, and was not of a single mind in matters of public policy nor uniformly committed to the struggle against Federal and state administrators which local officials were carrying on in the county's name. Throughout the fight, many and insistent voices were heard in local opposition to the county's campaign: some, like the needy aged and the striking teamsters, agitated for relief and to hell with political principle; others, like the editor of the local newspaper, spoke the work of non-partisan conscience in declaring for the merit system despite its implications for local autonomy; still others, board members themselves, were inclined to a more temperate view of social se-

curity requirements and gradually made their influence felt in local decisions.

Administering Relief in Blue Earth

The seven years' war broke in February of 1936, although there had been occasional border disputes and skirmishes ever since the Farmer-Laborites in Minnesota and the Democrats in Washington first launched their crusades and began administrative forays into the territory of the Blue Earth. The reasons were clear. Until 1933, the county had enjoyed sole jurisdiction in the field of public relief, and had been able to decide without interference who was to get relief and in what amounts. Administrative organization for the job was elementary: a special board had been created within recent years for the handling of child welfare, but essentially it remained for the board of commissioners to exercise final responsibility and discretion. Not that the commissioners proffered freely of public funds—more often the opposite. Their policy of assistance was the implicit belief of the community, that personal effort was the basic cure for poverty; in any event, dependence was not to be encouraged by generous grants from the public treasury. To illustrate, the choice they opened to the county's aged lay between \$6-\$15 per month pension supplemented with occasional food and medical orders, and a quiet existence at the county poor farm.

In 1933, all this was changed. The county was suddenly forced to move over and make room for state and Federal relief agencies. The ground was quickly covered with new encampments. Washington in three years of participation in general relief contributed FERA, then CWA, FERA again, and finally WPA. The state moved with equal dispatch, beginning in 1933 with a system of grants to local units, which it accompanied with a rough-hewn plan for administrative supervision.

No longer the sole functionaries, shorn of some of their discretion, and greatly perturbed at the political parentage and generosity of the

newer agencies, Blue Earth County's commissioners grew increasingly hostile. Particularly "Bill" Minks and "Lou" Kraus, who for all practical purposes served during this period to personify Blue Earth County and its official attitude.

The two were fast friends, and together dominated the county board. From Minks came energy and political spark; from Kraus, conservative but more thoughtful leadership. Both were prosperous farmers; both were leaders in the local farm bureau organization; both Republican, although state requirements for non-partisan local elections kept them from flying political colors in local campaigns. Minks, in addition to his job as county commissioner, held a dazzling array of other local positions, ranging from president of the Minnesota Lake Farmers Cooperative Creamery to secretary-manager and general agent for the Minnesota Lake Farmers Mutual Insurance Company. An indomitable person, given to salty phrases and occasional malapropisms, fired with intense political ambition, he had won his way to a key position in the state association of county commissioners and established himself in that post as a person of some influence in matters of state legislation.¹ For twenty-four years he continued as county commissioner, elected every fourth year on a plank which he stated as follows and signed with a flourish:

As I see it, government in general is *drifting to centralization of power*. I am a strong advocate of HOME RULE in retaining the grass roots of government and strengthening its powers instead of subduing them, in all rural and urban territories throughout the State and Nation, and recommend an increase in the legislative salary schedule for local governmental official units to the average community income levels, which would have a tendency to invite better official material, and which naturally would create better government with more efficiency in office. And I further believe that all federal funds should be

¹ A participant in this case has given a revealing description of Minks: "If you have ever attended a county commissioners' convention or read any of their minutes, you will understand that Mr. Minks is the association. In fact, I attended one of their conventions at which time he chairmanned his own election and didn't even call for an opposing vote."

handled through local governing units, in the future, instead of setting up additional federal directive office.

Lou Kraus, elected just as regularly and as often, was in basic agreement with Minks, though his own platform was more quietly spoken.

By 1935, the two men had seen enough of the new era to convince them that local government was in danger; they drew their battle lines and waited an overt act on the part of state or Federal officials to precipitate an open conflict. The occasion was not long in coming.

It began as a wrangle with state relief officials over three questions: One, the general extent to which state administrators would supervise local relief operations. Two, the amount of money which should be dedicated to relief activity. Three, the basis on which state aids were to be distributed to the counties. Blue Earth's position was clear on each point: it wanted little, if any, supervision, a low relief budget, and a straight per capita base for the distribution of state aids. State officials, on the other hand, were asking for close supervision, generous relief appropriations, and a sharing of state funds on the basis of each county's need and fiscal ability. This last was equivalent to a demand that the wealthier counties, such as Blue Earth, play the role of brother's keeper to the state's less fortunate units, notably the cut-over areas of the north.

Blue Earth did not take at all well to the state's proposals, particularly since they were put forward by administrators of known loyalty to the Farmer-Labor party, then in control of Minnesota politics. Here was an alien philosophy, as well as a direct though more familiar administrative move to "destroy" local power of the purse.

As the wrangling between county and state continued, developments were taking place in Federal policy which were soon to bring matters to a head. In August 1935, Congress and the Administration made a basic change in the character of Federal participation in relief by providing welfare grants to the states (Social Security Act), by withdrawing from the field of direct relief, and by concentrating remaining relief interests into a WPA work program for

the able-bodied unemployed. This left Minnesota with the task of constructing a systematic program of its own which would provide direct relief to those not covered by Federal action, and which in other categories would meet the grant-in-aid requirements of the Social Security program.

Blue Earth Joins the Social Security Program

From August on, the months were spent in preparing the state for participation in the Old Age Assistance program, which was scheduled to go into effect on March 1 of the following year. State administrators struggled to make the necessary adjustments to Federal policy, and at the same time labored to bring each of Minnesota's eighty-seven counties into line with state plans for a permanent welfare and relief program. Almost immediately, they ran into a snag of local resistance. Blue Earth County and others like her began to balk at the prospect of state and Federal "interference" on a permanent basis; Minks and Kraus were further convinced that the new line-up was nothing less than the advance guard of the socialist movement.

Their reaction was explosive. Joined by eighteen other counties, Blue Earth seceded from the state relief system and declared its administrative independence. It then proceeded, as did its confederates, to establish an old age pension scheme of its own—administered by the individual commissioners, each within his own district, and with pensions set at the traditional \$6-\$15 per month.

Faced with this revolt, state relief officials soon made recourse to what they believed was their power of the purse. On February 21, 1936, a week before O.A.A. was to go into effect, they served notice on the rebel band that its members were to be cut off from further state aid; charges read that these counties had abandoned the state emergency relief program and had not provided acceptable welfare plans as per requirements of the Social Security program.

Blue Earth County's response was equally incisive. Bill Minks promptly declared the whole thing unconstitutional, and set about to prove it by political and legal means. His plans were announced in a letter written to eighteen associates in rebellion: first, a rally at the state capital, and then litigation in the courts. His objective: to recover the impounded state aids which he claimed were the counties' constitutional heritage. He considered his trump card to be a subtle device which he was to continue to use in his later contests with state administrators. It lay in his awareness that Federal funds would not be forthcoming to the state unless all its counties were participants—one county's defection might be enough to sabotage the entire old age assistance program. This was a political weapon, and Bill Minks, ensconced as he was both locally and within the state association of county commissioners, was in a position to wield it.

March 1 arrived, and on the assurance of Federal approval, plus hopes of soon achieving internal peace, Minnesota declared its old age assistance program in effect. Its relief administrators then set forth for Blue Earth County to cure if they could the local defection, and to explain the adjustments necessary for county participation in the old age assistance plan. They went armed with the announcement that during February alone Blue Earth County had sacrificed nearly a thousand dollars of state aid through its misguided policy of isolation.

Their meeting with Minks and the county board was not a success. As reported in the *Mankato Free Press* of March 12:

The hostile attitude of the county commissioners, particularly Kraus and Minks, toward the state relief system appeared to change but little after state administrators explained the present set-up. The commissioners contend that withholding state relief money from non-participating counties is unconstitutional and that the funds should be apportioned equally to counties on a per capita basis. The board decided to take more time. . . .

While they waited, Minks went into action again, once more writing his confederates and repeating his intention to take to the courts. But on March 18, conflict was suddenly made unnecessary by a terse announcement from the

state relief administrator conceding that funds could not be withheld:

Counties not participating in the State Emergency Relief Administration program may share in relief money. There is no such thing as an "out" or an independent county. It is a misnomer. Every county is eligible if it complies with certain conditions.

No explanation was given for this sudden retreat. Presumably, the action was taken on advice from the governor and may have represented an attempt both to salvage administrative relations and to avoid political antagonisms in what was a crucial election year. Whatever counsel it was which prevailed among state officials, Minks and his fellows regarded it as an outright concession of defeat and as an encouragement to make further use of resistance tactics in their future dealings with state and Federal administrators.

The announcement, satisfying as it was to local pride, paved the way to an armistice in state-local relationships which lasted long enough to bring Blue Earth County into the Old Age Assistance plan, and into subsequent Social Security Act programs. But it was a jealous truce, inasmuch as the Farmer-Laborites continued their control of state offices, and the most basic of the three original points of controversy remained unsettled. Two had been resolved by terms of the Social Security Act and state legislation, which provided that grant-in-aid money be distributed on a straight share basis, roughly one-half Federal, one-third state, and one-sixth local. This gave assurance to the county that its part in financing the system would not be disproportionate to that of other counties, and could be largely determined through local discretion in determining the amount of individual old age assistance grants. Thus the problem of a formula for distributing state aids, as well as that of the size of the local relief budget, was largely resolved. It is significant to note that under O.A.A. the county was able to continue its rule of parsimony. Average monthly payments to individuals went up after 1936, but they were only \$16 in 1937 and \$24 as late as 1943. In brief, Blue Earth found little difficulty in maintaining its own

philosophy of public assistance even when leagued together with the infidel.

However, the first point of original controversy remained alive to touch off later conflicts between county and state welfare officials, culminating in the dispute over the board's hiring of Herb Wagen as its executive secretary seven years later. This point, it will be remembered, concerned the extent to which the state was to supervise the local administration of relief and welfare activity. There were to be three more flare-ups before Minks and the local board reached full understanding with the state officials on this point, and a lasting peace.

The First Executive Secretary

When Blue Earth County in March of 1936 won back its right to state aid and joined the rest of Minnesota's counties in the O.A.A. program, it accepted an obligation to comply with certain administrative conditions. These included an agreement to file financial and case reports with state officials, and to comply with specified personnel, organizational, and procedural requirements. Some of these requirements Blue Earth County officials had come to appreciate as necessary from their own short-lived experience with their pension scheme of 1936, and did not protest. For example, the commissioners had discovered the need for full-time staff, having been swamped by 800 pension claims within a month of their attempting to administer the plan themselves. Quite promptly, they expanded their staff to include three full-time and two part-time employees.

Thus Minks and his board could see reason for staff assistance, and they could also, for the sake of Federal-state grants, accede to the requirements for reporting. But they had no intention of complying with growing demands for state supervision of local appointments where supervision could mean a refusal to accept candidates favored by the county board. They firmly believed that local self-govern-

ment would be "destroyed" when the freedom to hire was tampered with, and Blue Earth County was in no mood in 1937, with Democrats and Farmer-Laborites still in control at the state and Federal levels, to see local self-government in any way weakened.

In 1937 Aid to Dependent Children was added to the Social Security program in Minnesota. By that time Blue Earth County was operating on a revised organizational basis, with welfare activity assigned to a special board appointed by the five commissioners. (This was a refinement in administration and not in policy. Minks and Kraus continued to dominate welfare policy at both commission and welfare board level.) Serving as staff for the new board were three case investigators and a woman clerk whose job was evolving into what was later to be classified as "executive secretary." All four were local residents, handpicked by Minks, Kraus, and the majority they commanded on the board. The set-up was a tidy one, and Minks and company saw no reason to change it to accommodate the ADC program when it appeared.

But what was tidy to Minks was not so tidy to state administrators. Their concern lay in establishing ADC on the principle of professional case work; and they saw scant evidence of professionalization in Blue Earth County. The senior member of the local staff, for example, was also chairman of the district Republican committee, and in his spare hours served as local registrar for the state motor vehicle licensing division—a concession which brought him sizable returns. Since his assignment on the welfare board was, however, a limited one, state officials turned their more immediate attention to the "executive secretary," who was now being moved into position to administer the new ADC program.

The new "executive secretary" had arrived in the welfare office a year before, transferred from the county auditor's office to help with the Old Age Assistance program. For a time she continued to serve in a double capacity, dividing her day between the auditor's office and the welfare desk; by 1937, she had become a full-time welfare employee. As far as her formal qualifications for welfare work were concerned—and particularly for the work of child care and

assistance—it would be generous to describe them as slight: a high school education, a familiarity with local procedures, and the good graces of courthouse officials.

State officials lost no time in protesting her assignment; but again, as in 1936, they encountered a stone wall of local resistance. Minks, speaking for the board, refused to reconsider her assignment, and with 1936 fresh in their memory, state officials soon resorted to compromise. The board could keep its appointee, but in return it must add a qualified case worker acceptable to the state welfare department. To avoid further mischance, the state department picked its own candidate for the job—the wife of a professor at the local state teachers college and a person with several years of creditable experience in the field.²

This arrangement was at best an unhappy one. Herb Wagen, later recalling the situation, described it as one which could not long have continued without destroying the local welfare program. The new case worker was regarded by Minks as the personification of state control and was singled out by him for treatment as a foreign agent. The situation became progressively worse as she evoked sympathy for her efforts from board members less set in their thinking than Minks. Within a year she had become a rallying point of opposition to Minks' stand on welfare policy. At the staff level, she was accepted by at least three of her associates, and on the welfare board she could rely on three of the five members for a sympathetic hearing of her recommendations. Of these, one was a commissioner who had refused to identify himself with Kraus or Minks; a second was also a commissioner, inclined toward the course of policy set by the first; a third was a community stalwart, an elderly woman whose sense of civic responsibility had made her an eminent pioneer and contributor in the welfare field. These three voted with increasing regu-

larity for the new case worker's recommendations, and in time were joined by a fourth—a woman (representing Kraus' commissioner district) whose early skepticism had been displaced by a distinct satisfaction with the way child welfare work was being carried on in her district. Furthermore, the new influence carried beyond official quarters into the community. The head of the Community Chest, who had long been needling Minks and Kraus for their handling of clients, became a loyal supporter of the new case worker, and soon persuaded the League of Women Voters to join in the campaign. By now Minks, regretting his bargain with the state administrators, was contemplating a means of ridding himself of this albatross.

Allied with Kraus, he proceeded to make the going as rough as possible for his unwanted help; and in early spring, the pair called for a show-down in the county commissioners meeting, where they still retained a 3-2 majority. Their wish prevailed despite bitter opposition from the two dissenting commissioners; and the professor's wife was subsequently released in an official action that was tantamount to firing.

For Minks and Kraus, and the localism they represented, this removal marked a clear-cut triumph over the higher powers, but they were not to revel long in its celebration. Two contrary winds were astir that augured ill for the local cause. One was the board's increasing embarrassment over the behavior of the executive secretary, who was turning for diversion to extra-curricular activity. As Minks phrased it: "She began to step out and didn't pay attention to her work. Wanted to get married, and chased around quite a bit." This embarrassment was temporarily put aside in the board's concern over the threat of another developing storm: the Hatch Act and its cousin piece of legislation, an amendment to the Social Security Act calling for a merit system for state and local welfare employees paid in whole or in part with Federal funds. By the slim margin of the 25¢ per case which it contributed to local administrative costs (according to Minks: "just enough so they feel they can dictate to us"), the Federal government was wedging its

² Her account: "I went to Blue Earth as of September 1. The amusing part . . . was that I had been there for about three days in the spring of that year in the capacity of trouble shooter for the state, and had met the executive secretary at the time, and had apparently made enough of a favorable impression so that she plugged for me with Minks and Kraus when she knew I might mean her meal ticket (so far as the state was concerned)."

influence into the selection of Blue Earth County employees.

To Minks and Kraus, this was the arrival of the dictatorship they had long predicted, and they set about with new fire to organize a third round of local resistance. Before they had time to choose their weapons or map out their strategy, Minnesota officials called a state-wide meeting of county commissioners, intending to cut off precisely this sort of opposition by announcing a merit plan so moderate in its terms as to allay the fears of such men as Bill Minks. The meeting was held in St. Paul, and was addressed by Walter Finke, Stassen's new appointee to the reorganized and now Republicanized Division of Social Welfare. Finke appeared distinctly in the role of an appeaser; he insisted that he was not minded to displace any employee that the commissioners desired to retain. His modest proposal: construct an initial examination of three parts—a written, an evaluation of training and experience, and an oral interview. Let the commissioners score the experience record themselves and allow heavy weighting to the oral interview. Result: if any incumbent could not make the grade with these odds in his favor, he was either unwanted or admittedly not worth having. Needless to say, Minks and his fellow commissioners went home impressed with Finke and at peace with the administrative world.

But Finke had apparently spoken too soon or without enough attention to the fine print. A month later, instructions were sent out by mail which varied sharply from the first impression gained by the commissioners. They were now advised that before an incumbent could be admitted to the oral examination, he would have to pass the written. Whether Finke was guilty of misstatement or inconsistency is not clear; suffice it to say, the commissioners were outraged and turned to Minks for an adequate expression of their views. Minks wasted no time and was soon involved in sharp and personalized exchanges with the now unpopular Director. The climax, and the final break between Blue Earth and the Division, came when Minks appeared at a legislative hearing and charged Finke with "belittling him."

The battle of Blue Earth County was on again, and reports of it filled the winter of

1939-40. Then on March 29, Minks opened a new offensive, choosing once more to exploit his political advantage as Number One County Commissioner in the state. To each of his fellow members in the state association Minks addressed a letter urging that "all present staff members be qualified *without examination* when their work is satisfactory." On March 30, he was reported in the *Mankato Free Press* as being "personally opposed to the entire principle of the merit system," which is "a step backward and a blow to 'home rule' . . . a great many now doing good work will be disqualified." On April 2, he joined Kraus in convening the county board in special session, and moved adoption of a fiery resolution of protest. As carried, it read:

TO THE CONGRESS OF THE UNITED STATES:

Whereas: the Social Security Act as amended in Congress in 1939, known as Sec. 701 (a) Clause (5) of Sec. 1002 (a) provides such methods of administration relating to the establishing and maintaining of personal standards on a merit basis except that the Board shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods as are found by the board to be necessary for the proper and efficient operation of the plan;

Whereas: the personnel of the County Welfare Office administers direct relief to which the federal government does not contribute and about 50% of all tax money levied within the county is for relief purposes;

Whereas: we believe that every local county welfare board in co-operation with the County Board, should be the SOLE JUDGES OF EFFICIENCY in setting up their own personnel in administering relief within each respective county.

Therefore be it resolved: We candidly ask your sincere reconsideration on this MERIT BASIS AMENDMENT AND ASK THAT SAID AMENDMENT BE REPEALED, for we believe it a blow to home rule and a step toward central control. The local county welfare boards and county boards pay the salaries of the welfare personnel staff and should have the full jurisdiction to determine the qualifications and efficiency of their employees in the welfare personnel.

This was to be Minks's last attack on the merit system *per se*; his subsequent efforts were

devoted to making its practice innocuous. For one thing, he quickly sensed from editorials in the local press that civil service was a principle given as much honor in the community as the ideal of home rule, and that to persist in opposing it was politically dangerous. Moreover, in his pocket was the means of combining political advantage with personal strategy—a letter from Finke, asking him to serve with ten other “representative” commissioners on an advisory committee to assist with the construction and installation of Minnesota’s welfare merit system.

As the number of incumbents who passed the first examination soon showed, Minks and his committee were able to use their influence with telling effect. The qualifying examinations as finally given were non-competitive and pegged at a minimum level of competence. Blue Earth County’s staff experienced little difficulty with them and survived the ordeal intact.³

Now that they were relieved of personnel pressures from above, Minks and his board could turn gracefully to the problem of their adventuresome executive secretary. The nature of her extra-official activities and the erratic record of her administration were beyond concealing; dignity as well as accumulated work demanded that something be done. In 1942, the board devoted a meeting to her case, then announced that she had “left office.”

The Second Executive Secretary

At this point, the state’s wisdom in giving Minks a place in the organization of the state merit system was to make itself happily apparent. Both Minks and Kraus would have preferred appointing a local staff member to the now-vacant post of executive secretary and were agreed on a favorite candidate; but out

of consideration for Minks’s present membership on the state merit system advisory committee, they were willing to admit that their new candidate lacked certain prescribed qualifications for the job and were prepared to yield their choice if necessary to the requirements of the merit system. Their particular preference was Herb Wagen—a nephew of Kraus and a member of the county welfare staff for five years past. On his record Wagen was a likely candidate: an able, unassuming person who had come to be highly respected both locally and among state supervisors for his handling of welfare transactions. Wherever possible, Wagen had avoided taking part in the controversy between local and state interests, and would have preferred an early and peaceful reconciliation of the dispute. He was forty-seven years old at the time, and not a welfare worker either by training or by early choice. His education consisted of four years of high school and a single year of college—as the case develops this becomes a crucial point. His first job was with Standard Oil; out of work in 1929, he turned for a year to assessment for the city of Mankato, then to case work for the local Community Chest. In 1934, he added to his duties that of directing the local surplus commodities warehouse, and in 1936, absorbed the job of certifying workers for WPA. He was to have been hired as investigator for the county welfare board in 1936, but it turned out that Minks and Kraus were outvoted at the time in favor of another local candidate “who was out of a job.” Shortly afterwards, Wagen was added to the staff in another capacity, and in 1940 qualified as Welfare Worker I by taking and passing the merit system examination.

As matters stood in 1942, it was clear to Minks and all concerned that Wagen could not meet the formal educational requirements for the job: viz., four years of college, or a minimum of two years of college and at least two years of experience. Furthermore, Wagen was somewhat reluctant to accept the job, being well aware of its political intricacies and the objections which state officials would certainly raise to his appointment. The result was that Minks and the board proceeded to look

³ The Republican investigator, preferring politics to administration, resigned the day the Hatch Act went into effect, and did not take the qualifying examinations.

for another candidate according to orthodox civil service procedure: they consulted the state merit system supervisor, checked the register of eligibles, were given three names, and then after satisfying themselves as to his antecedents, appointed the oldest and most experienced of the three candidates.

The appointment proved a dud. The new secretary was both agreeable and sincere, but he was not in good health and was slow and "soft" in his handling of welfare clients. For once, state and local officials concurred in their judgment, and no objections were raised when the new secretary was offered the opportunity to look elsewhere for employment. That he was allowed to resign rather than be fired, as other board members preferred, seems to have been due to Minks, who prides himself on being a man of decision and principle, but not given to vindictiveness.

Still Minks shared the ire of the board insofar as it was directed at the state merit system for having produced such a "lemon." Having given state procedures a try, Minks declared that from then on the board would appoint its own secretaries, and the merit system was out of luck if it objected. This declaration became a fact on May 26, 1943, when the board returned again to its original choice, Herb Wagen, and summarily appointed him acting secretary—without so much as a glance at the state's register of eligible candidates. The decision was taken with no consideration of an alternative. Minks and the board were determined to assert their independence, and they had little reason from past experience with Federal and state administrators to fear the immediate consequences of their heresy.

With the hiring of Herb Wagen, Blue Earth County entered the concluding phase in its battle with the state. Twelve months were to pass before a decision and lasting peace were reached—twelve months of attrition, negotiation, and compromise. During this period, Herb Wagen remained as acting executive secretary, unable to move forward into permanent status without state certification, but kept from retreat by the dogged persistence of his local board.

The Fight Over Herb Wagen

I. McCURDY TRIES FOR A SETTLEMENT

The state's first response to Wagen's appointment was perfunctory: a *pro forma* word of censure spoken by the Division of Social Welfare's field representative on her regular monthly visit to the local welfare office. A mild-mannered person, she had never risked embroiling herself in state-local controversies by taking firm grasp on departmental policy; and her treatment of this problem was no exception. After saying what Blue Earth expected her to say, she discharged her remaining responsibility by reporting the matter to Division headquarters.

Before her recital of the facts could reach him through official channels, Robert McCurdy, supervisor of the state merit system, had become acquainted with the problem. On his desk lay an application from Wagen, asking permission to take the examination for his new position, then classified as Welfare Secretary I. McCurdy's response, in the theory of the merit system, should have been a simple one: reject the application, state the reasons (without the required years of education, Wagen had no standing for the position), and instruct the local board to consult the civil service register for qualified candidates. But painfully aware of the practical problems of merit administration, McCurdy saw that his decision would be a difficult one. To deny the application meant to stir up trouble with the county board, and McCurdy, in his three years of nursing the merit system in Minnesota through infancy, had had enough of such trouble to make him step warily. Also, he discovered from experience that he could rely upon few if any sanctions to make his decisions stick, particularly in controversy with a board as politically astute and as rugged in its resistance as Blue Earth County. His own part in any enforcement proceeding was limited to a post-audit of the welfare payroll, followed by a report to the Director of the Division of any exceptions he might find. Eventually, state authorities might

stop the payroll and suspend grant-in-aid payments to the county; but McCurdy knew, and Bill Minks knew, that such action was more effective in its threat than in its performance.

What Bill Minks did not know was that McCurdy's orders precluded the use of any such drastic device—in fact, any device which would “unnecessarily” aggravate an already strained state-local relationship. These were not formal orders: they had filtered down as instructions from Governor Thye, who in his campaign of 1942 had become particularly sensitive to local irritations and concerned with alleviating them. His gospel had become something of a good neighbor policy; and as an evangelist in the field of welfare, he had chosen his campaign manager and now director of the Division of Social Welfare, Bernard Levander. Levander's chief task became the mending of political fences among local welfare boards.

All this meant that McCurdy, who operated within the Division, would have to employ his own devices in order to resolve the Blue Earth situation and others like it. Significantly, McCurdy's personal repertoire did not include a get-tough tactic. Sociable instincts and long exposure to the elements in public office had mellowed him to a point where he could appreciate the point of view of the opposition, particularly in cases where the opposition subscribed to such homely and unquestioned principles as that of self-government.

Still, there was enough open to question in the Blue Earth situation to cause McCurdy to reply unfavorably to Wagen's request, and to summon a meeting with the local board to inquire into the reasons for their heresy. Rumors had already reached him regarding Wagen's relationship to Commissioner Kraus; and he had reason to believe reports from his field representatives to the effect that Minks and Kraus had not always been free from political considerations in their handling of welfare clients.

His meeting with the board took place that summer, in the back basement room of the county courthouse. It began on a distinctly hostile note, with McCurdy reading from the law and Minks rattling his sword of resistance. As the meeting progressed, Minks and McCurdy found they had something in common—a personal skepticism toward the educational

requirements barring Wagen from his job. McCurdy admitted that he himself had no more than a year of college training; and his deputy, also present, chipped in with the observation that he didn't have a college degree either, and saw no reason for requiring one of Wagen. By now the meeting was blossoming into a friendly affair, the more so as McCurdy grew convinced that Wagen after all was a capable person and that the local welfare board was not engaging in a purely political maneuver. This was a situation where compromise seemed justified.

But McCurdy knew that compromise could not appear either as defeat or as special treatment. Fortunately for the moment, he found the answer he needed in a recent change of policy announced by the Social Security Board—a change designed to meet the problem of manpower brought on by the war. What it called for was a “Temporary relaxation of personnel standards”; in effect, this meant that the board would not object if a state found it necessary to make a “reasonable” revision downward in its scale of job requirements. McCurdy had been contemplating action along these lines before he encountered the Blue Earth problem; now he had good reason to announce his intentions and see what could be done. By revising the specifications for Executive Secretary to scale down the educational requirement, the Wagen case might be disposed of amicably and without doing violence to civil service procedure.

With this prospect in mind, McCurdy was able to give the commissioners hope that Wagen might eventually qualify for his post; and the meeting broke up with the understanding that Wagen would be allowed to take the examination. Shortly afterward he did take the examination and managed to pass the written section with a respectable score. Unfortunately, nothing had been done in the meantime to change the requirements; and when Wagen came before the state merit system board for certification, there was no alternative but to reject him. This action, in addition to further antagonizing Minks, brought the case to the attention of John Kidneigh, regional personnel consultant for the Social Security Board. Being more in the nature of a professional civil service administrator than McCurdy, and one

step removed from the immediate pressures in the case, Kidneigh regarded McCurdy's conciliatory handling of the case as "an exception to personnel standards," and began pressing for firm remedial action. His criticism became more insistent as the summer wore on and more cases of "amicable settlements" were brought to his attention in the course of an audit then being conducted of the merit system's administration in Minnesota.

Fall arrived with McCurdy wedged between the two opposing forces; Kidneigh asking for strict enforcement of the rules, Blue Earth demanding either an exception or an amendment to regulations. At this critical juncture, McCurdy resigned to accept a position as director of the new Council on Intergovernmental Relations project in Minnesota (a privately financed effort to encourage grass-roots attention to the problem of interlevel co-operation), and by so doing gave up his official connection with the case. Ironically, his new assignment took him to Blue Earth County; and he was later, to return to the case in the unofficial role of devil's advocate, having become thoroughly convinced in the meantime that Wagen was the man for the job.

II. CULHANE SUCCEEDS

His place in the merit system office was taken by Tom Culhane, a young and dynamic person with a growing reputation as a civil service administrator. Almost immediately the relationship between Kidneigh's office and that of the merit system changed to one of friendly co-operation. Kidneigh had known Culhane before, during the years when the latter was employed as a member of the State Civil Service Department; in his estimation, Culhane was "one of the most able young personnel men in the field." At a meeting held shortly after Culhane's appointment, Kidneigh was gratified to learn that his new counterpart at the state level shared his critical view of the Blue Earth situation.

Somewhat later, Culhane conferred with Bob Ferderer, personnel officer for the Division of Social Welfare and inclined toward the Division's point of view. Ferderer stressed the political background of the case, and informed

Culhane that the Governor's good neighbor policy was still in effect—adding that as long as it was, the Division of Social Welfare "was not too anxious to disturb the Blue Earth County Board in the matter." Culhane was still not satisfied to let the appointment stand without in some way meeting the requirements of the civil service process; and his next step was to summon Minks to the state capital for a conference with himself and Ferderer. Minks recalls only his part of the conversation, which went roughly as follows: "Boys, we've got the man we want and we're going to keep him. He's as good a man as anyone you've got on the list."

With the war manpower situation growing more acute every day, Culhane was ready to admit argument on this point. But he continued to stand firm on civil service procedure, and insisted that certification would have to be made from the register. The meeting concluded pleasantly enough, but without changing anyone's point of view—Minks was still on one side, Culhane on the other, and Ferderer somewhat to the Blue Earth side of center.

Still intent on settling the matter, Culhane arranged another meeting, this time with Levander. Again the results were inconclusive: "We went over the ground and I sensed that the Director was fair-minded on the matter but was not willing immediately to call the county board to account." Another note of discouragement was to come from Kidneigh, Culhane's next stop after Levander. Ready by this time to act if necessary on his own authority, Culhane was searching for possible sanctions to back whatever step he might take; his purpose in seeing Kidneigh was to determine whether or not he could expect help from Federal quarters. Kidneigh's reply was that all he could offer was a formal statement to the effect that the Wagen appointment "was a deviation from Federal standards, *insufficient* to preclude a finding of substantial conformity to Federal standards." The system being what it was,⁴

⁴ To understand the limitations under which Kidneigh was operating at this point it is helpful to refer to his statement explaining the relationship between the Federal and state governments in a matter of this kind:

"The actual fact of the matter is that if a State

the Federal government could bark in this case, but it would not bite.

It was then that Culhane became fully aware of the limitations of his position. In his own words, the situation could be summarized as follows:

- (1) no action on sanctions could be expected from the Federal Social Security Board;
- (2) the State Department of Social Welfare was tolerant of the situation;
- (3) the Blue Earth County Welfare Board had no reason to fear any kind of action that could be instituted by the Merit System Supervisor whose sole instruments of insuring compliance were (a) persuasion and (b) post audit of payrolls with a statement to the Director of the Division of Social Welfare of the deviation from rules, salary standards, etc.

The result was that Culhane was now drawn to the same strategy which McCurdy had hit upon six months before but had not carried through: viz., gear Wagen's case to the temporary wartime relaxation of personnel standards now allowed by the Social Security Board. Culhane, independently of the Blue Earth problem, had already launched a classification study of state welfare positions, partly to meet the criticisms directed at the system as he had inherited it, partly to meet the problem of a war manpower situation. His decision to do so had drawn enthusiastic support from the regional security board office; Kidneigh, in fact, had agreed to help out with the survey by supplying a trained analyst "to work behind scenes" and to give what assistance he could. He later found the results extremely gratify-

agency has a plan of almost any rational kind, the Federal government will accept it providing it is in general conformity with the Social Security Act as properly interpreted. Of course, when the State has established a plan which includes qualifications for given classes of positions, the Federal Government will expect the State to live up to its own plan. The question therefore in the Wagen case was not would the Federal Government approve what the State did for or with Blue Earth County, but was the State administering its own plan according to the conditions of its own plan. Obviously, it was not.

"When, however [here Kidneigh refers to the later solution of the case] the State changed its plan there could be no other decision rendered than was rendered."

ing: "A very excellent job on class specification writing was completed with the establishment of uniform minimum qualifications which were, I believe, quite reasonable."

How reasonable some of the revised specifications were, and to what elements of opinion, Kidneigh may not fully have realized. The specifications for the three grades of Executive Secretary were certainly gone over with a sharp eye to the possible solution of the Wagen case, and with a determination to satisfy each of the different interests involved. Even before the survey was begun, the Division of Social Welfare had taken renewed interest in this possibility. Earl Berg, who had replaced Levander as Director of the Division, quickly discovered what a problem he had inherited. On a courtesy visit to Blue Earth County, he had walked unforeshadowed into a full meeting of the local welfare board, and had been given a rather testy statement of the board's point of view.⁵ Also present at the meeting by local request was Bob McCurdy, who in his first weeks on his new job had had an opportunity to become better acquainted with Wagen and was greatly impressed with the latter's work as secretary. McCurdy knew Berg, and supported the local board's position in a way which made Berg share his convictions.

Before leaving, Berg committed himself to the extent of encouraging the Board to await his help in the matter. Upon his return to the capital, he passed word along to Ferderer and also to Russell Drake, his chief of field services, to see what could be done to reach a prompt settlement. Both men were primed for action, having earlier discussed their strategy with Levander; they were agreed that the particular educational requirement which barred Wagen from office had originally been set arbitrarily to serve as a rule of thumb, and that it would not be violating merit system principles to reduce that requirement to a point where Wagen could satisfy it. It was a simple matter of rewriting specifications to allow Wagen, and all other candidates, to substitute another year of experience for another year of college;

⁵ Minks's opening remark was: "Before you get rid of Herb Wagen, you're first going to have to get rid of Lou Kraus and Bill Minks."

in other words, at least one year of college plus enough years of experience to give a total of four years of background and training was now established as the minimum requirement—and Wagen, with his one year of college and more than three years of experience, was now in a position to file for examination and office.

One question remained. Would the Social Security Board, as represented by Kidneigh, agree to this cutback in requirements? Interestingly enough, in view of Kidneigh's own feeling that he had no alternative, neither Ferderer nor Drake expected to obtain his approval; in their previous contacts with Federal consultants, Drake and Ferderer had found them "unyielding" and pledged to a rigorous interpretation of personnel standards. It was therefore to their surprise that Kidneigh offered no objection to the change, considering it a reasonable adjustment to wartime conditions and an integral part of Minnesota's reclassification project to which he had already given his wholehearted approval.⁶

Culhane added his consent; ⁷ the change was adopted; and Wagen suddenly found himself qualified to take the examination and be certified for his job. Everything seemed to fall neatly into place; and what had been for long months a subject of heated controversy and dramatic action changed overnight into a drab factual paragraph in a matter-of-fact letter for the records: "The minimum qualifications for appointment to the position of Executive Secretary II were modified on April 1, 1944. Mr.

⁶ Kidneigh was apparently not aware of the strategy involved in making this particular change. He was later to write:

"The reason . . . for the shift in minimum qualifications that occurred is not connected at all with the Wagen case but was a shift in minimum qualifications throughout the whole classification structure based upon resurvey of the total situation in all county welfare employment in the State of Minnesota."

Though unlikely that he would, even if he had known, have attempted to block the change (cf. his earlier statement, p. 103), it is significant that no one on the state level seems to have made any notable effort to inform him.

⁷ Culhane lists the factors in his decision:

"I could have been stubborn and kept on taking payroll exceptions to Wagen's appointment, but nothing good would have been accomplished. Administration is the science of the possible!

"No objective studies had demonstrated that the

Wagen met the new minimum qualifications and his provisional appointment was approved on May 4, 1944. On June 10, 1944, Mr. Wagen took an examination for the position of Executive Secretary II and attained a passing grade. He was subsequently certified for appointment and made a permanent employee."

Peace at Last

Thus the controversy was concluded, and with it the whole of the seven years' war. As it turned out, Herb Wagen was a person dedicated to the principle of intergovernmental co-operation and to radically improved concepts of local welfare administration. His comment upon taking office in 1943 was to the effect that "I cannot do the job without fully qualified staff and improved relations with the state Division of Social Welfare." Since the request came from a man they had no reason to fear or distrust, Minks and Kraus accepted it and adopted it as policy. Within a matter of months, Wagen had attracted favorable reports from visiting state supervisors; and in 1949, state officials could reflect on the changes in Blue Earth attitudes and describe them as no less than miraculous.

It is an exaggeration, of course, to credit Wagen for everything that was accomplished locally after 1944. In the latter stages of the controversy and the years which followed, Minks showed the mellowing effects of his participation in the Council on Intergovernment-

existing minimums for the selection of Executive Secretaries (regarding college education) were any more valid than the ones proposed that would permit Wagen to compete.

"I was *not* influenced by:

"Wagen's reported competence. I had already learned that it was always the best employees who had trouble with civil service appointments.

"Minks' influential position: The most powerful men politically are the quiet ones you seldom meet.

"Blue Earth's revolt: It was no greater in our eyes than some other and more troublesome ones—but I must admit they were a persistent group.

"McCurdy's switch: We were aware of it, and it lent aid and comfort to the local group; but I don't think it influenced my decision."

These factors may well have influenced others' attitudes, however.

tal Relations and of his contacts with state and Federal officials which the Council's project afforded. More than anything else, the Council was to make him aware of the greatly expanded role open to him in the new era of co-operative intergovernmental relations. To enter these new approaches to fame and political achievement, Minks needed a means of graceful exit from his former notions of autonomy and isolationism. That exit was provided him in his apparent victory over bureaucratic compulsion.

Nor can the reasons for final peace be found entirely in Minks' belated conversion to the co-operative faith. His own change of outlook was part expression of the groundswell movement that was taking place in the community's thought. By the end of the war, the community had by and large come to accept Federal security programs as an integral part of government on the local scene.

IN RETROSPECT

In retrospect, the seven years' war between Blue Earth County and the higher powers seems in many of its respects a case study in determinism. It is difficult to see how the struggle could have been averted or any major factor changed by the calculated action of state or Federal administrators. Given the nature of the community, the personalities of its officials, and the character of the New Deal, the conflict was certain to arise; the turbulent years which followed were but a record of the stormy adjustments by which conservatism and the new philosophy were hammered into a pattern of co-operative administrative relations. The irony of it all was that insistence upon orthodox principles of administration, in this case refusal to bend civil service requirements to the exigencies of the situation, almost cost the final victory.

Perhaps the one opportunity which was presented to state administrators to settle the case on their own terms came late in the campaign and was lost to them for reasons beyond their control. This was the point in 1942 when

Minks fired his executive secretary and acceded to the principles and procedures of the merit system. Had the state been able to supply an able candidate, it might have won Blue Earth officials permanently to its standards of welfare administration. As it was, the war decimated the list of eligibles on the register, and no candidate was left competent enough to make capital of the opportunity.

But if the case fails to demonstrate the possibility of heroic administrative action under such circumstances, it does provide insight into the nature of the intergovernmental administrative process and contributes toward a better understanding of its intricacies. The following are but suggestive of the morals, or conclusions, which can be drawn.

(1) There is an inescapable blending of politics and administration in the intergovernmental process, in at least two ways. One, by reason of the political role of the chief executive (in this case, the governor) and the consequent flavoring of administrative directives. Two, by virtue of the fact that what is an administrative assignment at one level is often a political duty at another. In this instance, it was a group of political personalities with whom state welfare administrators had to deal.

(2) Sanctions, even when provided by law, are seldom available and seldom used—particularly if the sanctions are weighty. The intergovernmental process, as both McCurdy and Culhane were to learn, is one of persuasion and compromise, rather than of command and compulsion.

(3) Decision-making in the intergovernmental process is a problem in simultaneous equations. A state administrator, as in this case, faces two unknowns in any decision: the policy of the Federal government and the response of the local unit. Seldom if ever do representatives of the three levels come together to take joint action; certainly, there is no formal or continuing process which enables or requires them to do so.

With these conclusions in mind, it is not difficult to appreciate the inconclusiveness of administrative action during the battle of Blue Earth County, nor the satisfaction of administrators with the final outcome.

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~~OVERNIGHT
RESERVE~~

RELEASE FROM
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~~RESERVE DESK~~

Arch Dotson
Winifred McCulloch
William H. Riker
Herbert Kaufman

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The ICP publishes in individual pamphlet form the public administration case studies listed below. Included are those previously published by the ICP's predecessor, the Committee on Public Administration Cases. Twenty-six of the case studies (those asterisked) have been collected, with other materials in a Case Book

PUBLISHED BY HARCOURT, BRACE AND COMPANY, INC., NEW YORK:

Cases in Public Administration and Policy Development. 1952. Edited by Harold Stein

PAMPHLETS DISTRIBUTED BY THE POLYGRAPHIC COMPANY OF AMERICA, INC., NEW YORK:

CPAC Case Studies, 1948-1951 (previously published by the Committee on Public Administration Cases)

*The Air Search and Rescue Program. 1950	W. Scott Payne
*The Attack on the Cost of Living Index. 1951	Kathryn Smul Arnow
*The Battle of Blue Earth County. 1950, revised 1950	Paul N. Ylvisaker
*The Cambridge City Manager. 1951	Frank C. Abbott
The Consumers' Counsel. 1949, revised 1950	Kathryn Smul Arnow
*The Defense Plant Corporation. 1950	Clifford J. Durr
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The Feasibility Dispute. 1950	John Brigante
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*The Sale of the Tankers. 1950, revised 1952	Louis W. Koenig
*Self-Insurance in the Treasury. 1949, revised 1952	Kathryn Smul Arnow
Smith and the OPA. 1950	Robert L. Gold
*The Transfer of the Children's Bureau. 1949, revised 1952	E. Drexel Godfrey, Jr.
*The TVA Ammonia Plant. 1950	Ellen St. Sure

ICP Case Series, in progress, 1951-

1. The Firing of Pat Jackson. 1951	William H. Riker
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